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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/605,555 | 10/08/2003 | Anthony A. Sconzo | 225308292003 | 2554 |
| 26496 | 7590 | 10/31/2005 | EXAMINER | |
| GREENBERG & LIEBERMAN 314 PHILADELPHIA AVE. TAKOMA PARK, MD 20912 | | | MAI, TRI M | |
| | | | ART UNIT | PAPER NUMBER |

3727

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/605,555 | | SCONZO, ANTHONY A. | |
| | Examiner | | Art Unit | |
| | Tri M. Mai | | 3727 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The drawings are objected to:

The drawings are generally confusing with the various elements. The mechanism enabling the retraction of the tether must be shown. The adjustability of the shoulder. The mechanism for locking of the shoulders together.

It seems that the drawings are not clear on showing the various devices including the device adjust the shoulder straps and the second securing device.

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

3. Claims 1-18 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear how the retracting mechanism operates. Furthermore, it is unclear how the lock in claim 10, and the second locking device in claim 11 operate. See drawing objections above.

4. Claims 6, 7, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding claim 6, “the top has no antecedent basis”

Regarding claim 7, it seems that claim 7 inadvertently includes some contents from the specification. Applicant to correct this oversight.

Regarding claim 17, “the outside top portion” has no antecedent basis.

5. Claims 1-8, 10, 11, and 14-17 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Dickler (40666195) in view of Asano (4738341). Dickler teaches a device comprising a backpack, and a tether device. Dickler meets all claimed limitations except for the retracting mechanism. Asano teaches that it is known in the art to provide a tethering device with a retracting mechanism as shown in Fig. 3. It would have been obvious for one of ordinary skill in the art to provide a tethering device with a retracting mechanism to provide an alternative tethering device for the case.

Regarding claim 2, note the locking mechanism in Fig. 11 of Asano.

Regarding claim 3, note the loop in Fig. 13.

Regarding claim 8, the first securing device is at portion 42 as claimed.

Regarding claim 11, the second device is portion 50.

6. Claims 16-17 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Dickler rejection, as set forth above, and further in view of Adam (2577670). It would have been obvious for one of ordinary skill in the art to provide a window for identification window in Dickler as taught by Adam for added security/identification purposes.

7. Claims 8-9 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Dickler rejection, as set forth above in paragraph 5, and further in view of Ivarson et al. (6474524). It would have been obvious to one of ordinary skill in the art to provide a securing mechanism

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fastens the shoulder straps together as taught Ivarson (portion 42) to keep shoulder straps together thus enabling one to carry the bag easily.

8. Claims 1-8, and 10-15 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Tulgan in view of Harwell (4977860) or Caulder et al. (D300474). Tulgan teaches a backpack with a tether device. Tulgan meets all claimed limitations except for the retracting mechanism. Either Harwell or Caulder teaches that it is known in the art to provide a retracting mechanism at one end of the leash device. It would have been obvious for one of ordinary skill in the art to provide the retracting mechanism in Tulgan as taught by either Harwell or Caulder to keep the leash organized.

Regarding claim 8, the first lock mechanism is portion 58.

9. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tulgan rejection, as set forth above in paragraph 8, and further in view of Golling et al. (5873506) or Ivarson (6474524). It would have been obvious to one of ordinary skill in the art to provide a securing mechanism fastens the shoulder straps together as taught by either Golling (portion 11) or Ivarson (portion 42) to provide adjust the strap easily and/or to provide alternative shoulder straps.

10. Claims 16-17 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Tulgan, as set forth above in paragraph 8, and further in view of Adam (2577670). It would have been obvious for one of ordinary skill in the art to provide a window for identification window in Tulgan as taught by Adam for added security/identification purposes.

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11. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Fahl et al. (6053381).

Fahl teaches a device having backpack 2, a tether 20, and a retracting mechanism as shown in Fig. 4. The term "tether" does not impart any structure over the strap 20 in Fahl.

12. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fahl et al. in view of Tulgan. It would have been obvious to one of ordinary skill in the art to provide the second securing mechanism to keep the bag secured.

13. Claim 1, 2, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan 11-318539 ('539), or in the alternative, over Luna (6394157) in view of JP'539. JP '539 teaches a device having a back pack A, a tether 12, and a retracting mechanism as shown in Fig. 2.

Regarding claim 2, note the locking mechanism 13 at the first end.

In the alternative, it would have been obvious to one of ordinary skill in the art to provide the tethering device in a backpack as taught by Luna to hold the wallet in a different device.

14. Claims 7-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the rejection of Luna in view of JP'539, and further in view of Ivarson et al. It would have been obvious to one of ordinary skill in the art to provide the adjustable shoulder straps, the two securing mechanisms as taught Ivarson to provide an alternative backpack.

15. Claims 16-17 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Japan rejection, as set forth above in paragraph 13, and further in view of Adam (2577670). It would have been obvious for one of ordinary skill in the art to provide a window for identification window in Tulgan as taught by Adam for added security/identification purposes.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
Art Unit 3727

